

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH MANUEL BERUMEN,

Plaintiff

v.

ELKO COUNTY SHERIFF DEPT.,

Defendant

Case No. 3:22-cv-00455-ART-CSD

ORDER

I. DISCUSSION

On October 14, 2022, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted an untitled document (ECF No. 1-1). Plaintiff has not submitted a complaint.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff a **one-time** opportunity until **December 16, 2022**, to submit a complaint to this Court.

Absent unusual circumstances, the Court will not grant any further extensions of time. If Plaintiff is unable to file a complaint by **December 16, 2022**, this case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to file a complaint. A dismissal without prejudice means Plaintiff does not give up the right to refile the case with the Court, under a new case number, when Plaintiff is able to file a complaint.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to this Court on or before **December 16, 2022**.

IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court will also send Plaintiff a copy of his initiating document (ECF No. 1-1).

IT IS FURTHER ORDERED that, if Plaintiff does not submit a complaint on or

1 before **December 16, 2022**, this case will be subject to dismissal without prejudice for
2 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able
3 to file a complaint.

4 DATED: October 18, 2022.

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6 UNITED STATES MAGISTRATE JUDGE